

RECORD OF PROCEEDINGS

Commerce City Planning Commission
June 5, 2012

Commerce City Civic Center

Ordinance 1891 – Oil and Gas LDC Amendments:

Mr. Steve Timms stated that Ordinance 1891 would enact the information discussed during the Planning Commission's study session of May 1, 2012. He explained the request to amend the Subsurface Extraction/Oil and Gas Operations section of the LDC. The amendments would act as a baseline set of standards that would apply to all operations within city limits. In addition, an Extraction Agreement was created with the objective to act as a negotiated agreement with more aggressive protections and would be required as part of obtaining a permit. Finally, a Local Government Designee (LGD) process would allow local governments to appoint a designee to receive documents from the COGCC relating to oil and gas activities within that government area. Mr. Timms further concluded that the Planning Commission would be voting on the language of the LDC and the overall concept of the EA, but the specific language contained within the EA was not under the jurisdiction of the Planning Commission.

Mr. Cammack inquired about the possibility of having the Planning Commission provide guidelines associated with the Extraction Agreement to the City Council. In response, Mr. Greg Graham explained that the Extraction Agreement would not be regulated in the LDC; therefore, it would not fall under the jurisdiction of the Planning Commission. Mr. Phil Barber stated that Commerce City pursued the approach of creating an Extraction Agreement, which would essentially outline what the community would like to see as new oil and gas operators emerge in the City. Meanwhile, other jurisdictions amended their LDC to impose additional restraint on the oil and gas industry limitations. He pointed out that there was much research and input from outside agencies in creating the Extraction Agreement. Mr. Barber explained that one of the benefits of having the Extraction Agreement would be that it could be amended throughout the years.

Andrew Casper, 1660 Lincoln St, Denver, CO 80264, representing Colorado Oil and Gas Association (COGA) stated that COGA is a nationally recognized trade association involved with Oil and Gas exploration and development. Mr. Casper expressed the industry's recommendation against the request. COGA felt that the requirements of mandate Extraction Agreement were unnecessary. He stated that the existing restrictions could be adequately addressed through the State's current regulatory process. Mr. Casper added that the State currently offers the appropriate level of regulations by having access to more experts for this highly technical industry. He stated that the City could be involved in that same level of regulations by being a part of the Local Government Designee process.

Mr. McFarlin enthusiastically welcomed the proposal; He felt it would be necessary to have protections in place for the City's interest. He explained that the Planning Commission carries the responsibility as public guardians to set structures that would help protect the residents of Commerce City.

Mr. Harvest Thomas, 7110 E 60th Way, voiced his support on the request. He felt that Staff pursued a positive approach to protect the residents of Commerce City. Mr. Harvest

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expressed his appreciation to City Staff and the Planning Commission for their efforts throughout the process. Mr. Harvest was impressed with the proposal and suggested that the Planning Commission forward a favorable recommendation on the request.

After a lengthy hearing and much discussion on the case, a motion was requested.

Motion:

Mr. Jones made the following motion “I move that the Planning Commission recommend that City Council approve Ordinance 1891, an ordinance amending the Commerce City Land Development Code, for Subsurface Extraction and Oil and Gas Permits.”

Mr. Dreiling seconded the motion. Voice Vote: All Voting Affirmed.